TRANSCRIPT OF RECORD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1928

No. 305

THE UNITED STATES OF AMERICA, APPELLANT

vs.

FRUIT GROWERS EXPRESS COMPANY

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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In United States District Court, Western District of Pennsylvania

Syllabus of indictment

Counts 1 to 50, inclusive, falsification of icing reports, Form AD–54 (violations of section 20 (7) of interstate commerce act, 24 Stat. L. 379, Feb. 4, 1887, as amended, 34 Stat. L. 584, June 29, 1906).

Counts 51 to 65, inclusive, falsification of freight bills (violations of section 20 (7) of interstate commerce act, 24 Stat. L. 379, Feb. 4, 1887, as amended, 34 Stat. L. 584, June 29, 1906).

Counts 66 to 75, inclusive, aiding, abetting, and procuring of falsification of freight bills (violations of section 10 (1) of interstate commerce act, 24 Stat. L. 379, Feb. 4, 1887; as amended, 25 Stat. L. 855, Mar. 2, 1889; 36 Stat. L. 539, June 18, 1910; 41 Stat. L. 456, Feb. 28, 1920; and section 332 of Penal Code).

Count number	Number and date of Form AD–54	Car initials and number	False weight, in pounds	Correct weight, in pounds
1	57 6/5/25	PFE 4381	2,800	1,800
2	88 6/8/25	FGEX 35846	3,000	1,200
3	95 6/8/25	PFE 28687	2,800	1,800
4	89 6/8/25	WFEX 54183	3,000	4,800
5	150 6/14/25	FGEX 20103	2,800	1,800
6	149 6/14/25	PFE 6068	2,400	1,400
7	321 6/28/25	PFE 23681	2,200	1,200
8	342 6/30/25	PFE 22903	2,600	1,600
9	3 7/1/25	MDT 145642	2,200	1,200
10	7 7/1/25	PFE 10148	1,800	800
11	37 7/5/25	FGEX 32778	2,400	1,400
12	36 7/5/25	NP 99040	2,800	800
13	120 7/12/25	NP 95957	2,000	1,000
14	121 7/12/25	FGEX 23086	2,200	1,200
15	123 7/12/25	PFE 30336	2,500	1,500
16	167 7/15/25	WFEX 61590	2,200	1,200
17	168 7/15/25	SFRD 20817	2,500	1,500
18	174 7/16/25	FGEX 32959	3,000	2,000
19	269 7/24/25	FGEX 40810	2,200	1,200
20	274 7/24/25	PFE 28015	2,500	1,500
21	63 8/6/25	ART 12204	1,800	800
22	87 8/9/25	PFE 24476	3,000	2,000
23	87 8/9/25	FGEX 34796	3,000	2,000
24	123 8/12/25	PFE 13808	2,600	1,600
25	165 8/17/25	PFE 18807	2,300	1,300
26	246 8/23/25	WFEX 63313	2,000	1,200
27	165 8/17/25	PFE 22241	2,400	1,400
28	24 7/3/25	WFEX 62610	3,000	2,000
29	33 7/5/25	PFE 9964	3,000	4,000
30	119 7/12/25	WFEX 49849	3,600	2,600
31	203 7/19/25	FGEX 35095	1,600	600
32	203 7/19/25	PFE 10111	1,800	600

Count number	Number and date of Form AD-54	Car initials and number	False weight, in pounds	Correct weight, in pounds
33	204 7/19/25	WFEX 62529	1,600	[illegible]
34	184 7/17/25	PFE 7987	2,800	1,[illegible]
35	203 7/19/25	FGEX 26006	1,700	[illegible]
36	203 7/19/25	FGEX 33709	1,600	[illegible]
37	203 7/19/25	FGEX 35509	1,800	[illegible]
38	204 7/19/25	FGEX 32969	1,800	[illegible]
39	202 7/19/25	WFEX 62113	1,600	[illegible]
40	328 7/29/25	FGEX 42782	2,600	2,[illegible]
41	328 7/29/25	PFE 23687	2,400	2,[illegible]
42	328 7/29/25	PFE 14400	2,600	2,[illegible]
43	328 7/29/25	PFE 4344	2,400	2,[illegible]
44	329 7/29/25	FGEX 41960	2,100	1,[illegible]
45	334 7/30/25	PFE 26868	3,000	2,[illegible]
46	95 6/8/25	PFE 9459	3,300	3,[illegible]
47	29 7/4/25	FGEX 11013	3,000	3,[illegible]
48	37 7/5/25	FGEX 31668	2,600	4,[illegible]
49	41 7/5/25	FGEX 45837	3,000	4,[illegible]
50	40 7/5/25	FGEX 23332	3,000	4,[illegible]
51	9842 6/3/25	PFE 25839	3,000	1,[illegible]
52	11207 6/10/25	SFRD 12724	3,000	1,[illegible]
53	11211 6/10/25	NP 95730	3,400	4,[illegible]
54	12331 6/16/25	PFE 51736	2,600	1,[illegible]
55	12329 6/16/25	PFE 5120	2,600	1,[illegible]
56	16723 7/7/25	FGEX 31150	2,800	1,[illegible]
57	16724 7/7/25	FGEX 34813	2,200	1,[illegible]
58	16721 7/7/25	FGEX 11035	2,800	1,[illegible]
59	16573 7/7/25	NP 95927	3,000	1,[illegible]
60	19273 7/18/25	WFEX 66113	2,800	2,[illegible]
61	19281 7/18/25	SFRD 8149	3,700	3,[illegible]
62	19256 7/18/25	WFEX 65013	3,000	3,[illegible]
63	20409 7/23/25	SFRD 12615	3,800	4,[illegible]
64	16205 7/9/26	PFE 19004	3,000	2,[illegible]
65	17858 7/19/26	WFEX 63724	4,000	1,[illegible]
66	20412 7/23/25	SFRD 21772	3,800	4,[illegible]
67	25033 8/8/25	ART 15591	1,600	[illegible]
68	25035 8/8/25	SFRD 7137	3,200	4,[illegible]
69	30238 9/2/25	Erie 62033	1,600	2,[illegible]
70	32924 9/16/25	ART 13709	3,000	4,[illegible]
71	33235 9/17/25	ART 15584	1,800	[illegible]
72	33236 9/17/25	ART 15413	1,800	[illegible]
73	33713 9/19/25	NP 93084	1,600	[illegible]
74	19191 7/24/26	FGEX 31054	4,300	4,[illegible]
75	34273 9/27/26	SFRD 13275	2,800	1,[illegible]

1 In United States District Court

Indictment

Filed Nov. 22, 1927

WESTERN DISTRICT OF PENNSYLVANIA, *ss:*

The grand jurors of the United States of America, now inquiring in and for the Western District of Pennsylvania, after being duly impaneled, sworn and affirmed, and charged, at the term of said court now pending, upon their oaths and solemn affirmations, respectively, do present:

Count 1

1. That at all times mentioned in this indictment, the Pennsylvania Railroad Company, hereafter in this count called "Railroad Company," was a common carrier engaged in the transportation of property in interstate commerce, wholly by railroad, for hire, from and to points on its line outside the State of Pennsylvania to and from points on its line in the State of Pennsylvania, including Pittsburgh, and so said railroad company was, and still is, subject to the provisions of the act of Congress approved February 4, 1887, entitled "An act to regulate commerce," and to the acts of Congress mendatory thereof and supplementary thereto.

2. That at all times mentioned in this indictment said railroad company did print and publish, and keep on file with the Interstate Commerce Commission, schedules and tariffs of refrigeration rates and charges; that said schedules and tariffs provided, among other things, that the bunkers of refrigerator cars containing shipments of perishable commodities, including fruits and vegetables as hereafter named in the several counts of this indictment, which had been transported by said railroad company to said points, including said Pittsburgh, for delivery to consignees at said points, including said Pittsburgh, would be inspected each and every day from the time of the arrival of said cars at said points, including said Pittsburgh, and until the unloading of cars had been commenced by consignees at said points, including said Pittsburgh; and that, whenever additional ice was required in said bunkers, sufficient additional ice to fill said bunkers would be placed therein, at a rate and charge to said consignees of $4.00 for each ton of 2,000 pounds of ice so furnished, except that when the bunkers of said cars were less than three-fourths filled with ice upon arrival of said cars at said points, including said Pittsburgh, the said bunkers of said cars would be iced to capacity and no charge for such arrival icing would be made by said railroad company against said consignees; that under the terms of said schedules and tariffs said rate and charge of $4.00 per ton for the ice so furnished was exclusive of, and in addition to, the lawful rates and charges for the transportation by said railroad company of said shipments of the aforementioned perishable commodities.

3. That at all times mentioned in this indictment the Fruit Growers Express Company, hereinafter called "defendant,"
3 was a corporation organized and existing under and by virtue of the laws of the State of Delaware with an office and place of business at said Pittsburgh, and was engaged, among other things, in the icing and reicing, for and on behalf of said railroad company, at said Pittsburgh, of the bunkers of refrigerator cars containing shipments of the aforementioned perishable commodities which said railroad company had transported over its railway line for delivery to consignees at said points, including said Pittsburgh; that said service of icing and reicing was performed by said defendant, for and on behalf of said railroad company, under, and in accordance with, the terms of a certain contract by and between said defendant and said railroad company, executed on, to wit, May 1, 1925; that said contract provided, among other things, that said defendant would perform at said points, including said Pittsburgh, for and on behalf of said railroad company, the aforesaid inspection and icing service which said railroad company, by and through means of its schedules and tariffs aforementioned, held itself out to perform in connection with shipments of said perishable commodities transported by it to said points, including said Pittsburgh, for delivery thereat.

4. That at all times mentioned in this indictment said railroad company required said defendant to furnish a report in writing of the amount of ice placed in the bunkers of refrigerator cars at said Pittsburgh by said defendant, for and on behalf of said railroad company, and said defendant did furnish and did deliver to said
4 railroad company reports in writing, purporting to show, as to each car inspected by said defendant under the terms of the aforesaid contract, the amount of ice, if any, which said defendant, for and on behalf of said railroad company, had placed in the bunkers of said cars; that said reports, including those thereafter in the several counts of this indictment specifically referred to, were received and kept and accepted by said railroad company as true and correct reports of the amount of ice placed in said bunkers of said cars; and said reports were the only reports and records from which said railroad company could prepare, and render to the consignees of shipments of the aforementioned perishable commodities transported by it for delivery at said points, including said Pittsburgh, statements and bills for ice placed in the bunkers of cars, and of the icing charges due to said railroad company from said consignees under the aforesaid provisions of the aforementioned schedules of refrigeration rates and charges.

5. That on, to wit, June 5, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said Act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 57" and bearing a cer-

tain date, to wit, June 5, 1925, and covering a shipment of
5 lettuce in a certain refrigerator car bearing the initials and number "PFE 4381" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant for and on behalf of said railroad company, at said Pittsburgh, at 9.30 a. m., on June 5, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2800," purporting to show, and in substance and effect representing and declaring, that on June 5, 1925, at 9.30 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,800 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,800 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

6 Count 2

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, June 8, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 88" and bearing date June 8, 1925, and covering a shipment of cabbage in a certain refrigerator car bearing the initials and number "FGEX 35846" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for
7 and on behalf of said railroad company, at said Pittsburgh, at 8.20 a. m., on June 8, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line

opposite said initials and number of said car, the figures "3000," purporting to show, and in substance and effect representing and declaring, that on June 8, 1925, at 8.20 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 3,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,200 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

8 Count 3

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, June 8, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 95" and bearing date June 8, 1925, and covering a shipment of apples in a certain refrigerator car bearing the initials and number "PFE 28687" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been

9 placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said Pittsburgh, at 9.00 a. m., on June 8, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2800," purporting to show, and in substance and effect representing and declaring, that on June 8, 1925, at 9.00 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,800 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or other-

[illegible], any quantity of ice in excess of, to wit, 1,800 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

10 Count 4

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, June 8, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 89" and bearing date June 8, 1925, and covering a shipment of apples in a certain refrigerator car bearing the initials and number "WFEX 54183" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on

11 behalf of said railroad company, at said Pittsburgh, at 4.20 p. m., on June 8, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "8000," purporting to show, and in substance and effect representing and declaring, that on June 8, 1925, at 4.20 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 8,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice less than, to wit, 4,800 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

12 Count 5

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, June 14, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 150" and bearing date June 14, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 20103" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on

13 behalf of said railroad company, at said Pittsburgh at 1.15 p. m., on June 14, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "2800," purporting to show, and in substance and effect representing and declaring, that on June 14, 1925, at 1.15 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,800 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise any quantity of ice in excess of, to wit, 1,800 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

14 Count 6

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, June 14, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made,

a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD–54 Report No. 149" and bearing date June 14, 1925, and covering a shipment of oranges in a certain refrigerator car bearing the initials and number "PFE 6068," which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said Pittsburgh, at 10.25 a. m., on June 14, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "2400," purporting to show, and in substance and effect representing and declaring, that on June 14, 1925, at 10.25 a m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,400 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,400 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

Count 7

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, June 28, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD–54 Report No. 321" and bearing date June 28, 1925, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "PFE 23681" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for

and on behalf of said railroad company, at said Pittsburgh,
17 at 2.50 p. m., on June 28, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2,200," purporting to show, and in substance and effect representing and declaring, that on June 28, 1925, at 2.50 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,200 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,200 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

18 Count 8

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, June 30, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 342" and bearing date June 30, 1925, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "PFE 22983" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendants, for
19 and on behalf of said railroad company, at said Pittsburgh, at 3.25 p. m., on June 30, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2600," purporting to show, and in substance and effect representing and declaring, that on June 30, 1925, at 3.25 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,600 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant,

at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,600 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in the bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

20 Count 9

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 1, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 3" and bearing date July 1, 1925, and covering a shipment of carrots in a certain refrigerator car bearing the initials and number "MDT 145642" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of

21 said railroad company, at said Pittsburgh, at 6.35 a. m., on July 1, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2200," purporting to show, and in substance and effect representing and declaring, that on July 1, 1925, at 6.35 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,200 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,200 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

22 Count 10

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 1, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 7" and bearing date July 1, 1925, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "PFE 10148" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said

23 Pittsburgh, at 6.20 a. m., on July 1, 1925, did willfully enter and caused to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "1800," purporting to show, and in substance and effect representing and declaring, that on July 1, 1925, at 6.20 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 1,800 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 800 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

24 Count 11

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 5, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD–54 Report No. 37" and bearing date July 5, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 32778" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf
25 of said railroad company, at said Pittsburgh, at 4.30 p. m., on July 5, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2400," purporting to show, and in substance and effect representing and declaring, that on July 5, 1925, at 4.30 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,400 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,400 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

26 Count 12

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 5, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD–54 Report No. 36" and bearing date July 5, 1925, and covering a shipment of lettuce in a certain refrigerator car bearing the initials and number "NP 99040" which

had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said Pittsburgh,
27 at 1.05 p. m., on July 5, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "2800," purporting to show, and in substance and effect representing and declaring, that on July 5, 1925, at 1.05 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,800 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 800 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

28 Count 13

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 12, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain writ n report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 120" and bearing date July 12, 1925, and covering a shipment of lettuce and peas in a certain refrigerator car bearing the initials and number "NP 95957" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf
29 of said railroad company, at said Pittsburgh, at 1.25 p. m., on July 12, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "2000," purporting to show, and in substance and effect representing and declaring, that on July 12, 1925,

at 1.25 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

10 Count 14

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 12, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54, Report No. 121" and bearing date July 12, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 23086" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for

11 and on behalf of said railroad company, at said Pittsburgh, at 5.00 p. m., on July 12, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "2200," purporting to show, and in substance and effect representing and declaring, that on July 12, 1925, at 5.00 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2200 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,200 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said

railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car, contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

32 Count 15

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 12, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 123" and bearing date July 12, 1925, and covering a shipment of oranges in a certain refrigerator car bearing the initials and number "PFE 30336" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of
33 said railroad company, at said Pittsburgh, at 9.25 a. m., on July 12, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2500," purporting to show, and in substance and effect representing and declaring, that on July 12, 1925, at 9.25 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,500 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,500 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

34 Count 16

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 15, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 167" and bearing date July 15, 1925, and covering a shipment of apples in a certain refrigerator car bearing the initials and number "WFEX 61590," which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant for and on behalf of said railroad company at said Pittsburgh, at 10.10 a. m., on July 15, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2200," purporting to show, and in substance and effect representing and declaring, that on July 15, 1925, at 10.10 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,200 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,200 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

Count 17

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 15, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers'

Express Company Form AD-54 Report No. 168" and bearing date July 15, 1925, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "SFRD 20817" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for

37 and on behalf of said railroad company, at said Pittsburgh, at 12.30 p. m., on July 15, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "2500," purporting to show, and in substance and effect representing and declaring, that on July 15, 1925, at 12.30 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,500 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,500 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

38 Count 18

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 16, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 174" and bearing date July 16, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 32939" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in

39 the bunkers of said car by said defendant, for and on behalf of said railroad company, at said Pittsburgh, at 11.00 a. m., on July 16, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "2000," purporting to show, and

in substance and effect representing and declaring, that on July 16, 1925, at 11.00 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 3,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 2,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

40 Count 19

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 24, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 269" and bearing date July 24, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 40810" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for

41 and on behalf of said railroad company, at said Pittsburgh, at 12 25 p. m., on July 24, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2200," purporting to show, and in substance and effect representing and declaring, that on July 24, 1925, at 12 25 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,200 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,200 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said

railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

42 Count 20

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 24, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 274" and bearing date July 24, 1925, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "PFE 28015" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf
43 of said railroad company, at said Pittsburgh, at 5.45 a. m., on July 24, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2560," purporting to show, and in substance and effect representing and declaring, that on July 24, 1925, at 5.45 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,560 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,560 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

44 Count 21

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, August 6, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers' Express Company Form AD-54 Report No. 63" and bearing date August 6, 1925, and covering a shipment of lettuce in a certain refrigerator car bearing the initials and number "ART 12294" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said Pitts-
45 burgh, at 5.10 p. m., on August 6, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "1800," purporting to show, and in substance and effect representing and declaring, that on August 6, 1925, at 5.10 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 1,800 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 800 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

46 Count 22

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, August 9, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers'

Express Company Form AD–54 Report No. 87" and bearing date August 9, 1925, and covering a shipment of pears and plums in a certain refrigerator car bearing the initials and number "PFE 24476," which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for
47 and on behalf of said railroad company, at said Pittsburgh, at 7.55 a. m., on August 9, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "3000," purporting to show, and in substance and effect representing and declaring that on August 9, 1925, at 7.55 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 3,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 2,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

48 **Count 23**

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, August 9, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD–54 Report No. 87" and bearing date August 9, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 34796" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said Pitts-
49 burgh, at 7.45 a. m., on August 9, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice" or "be

line opposite said initials and number of said car, the figures "3000," purporting to show, and in substance and effect representing and declaring, that on August 9, 1925, at 7.45 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 3,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 2,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

50 Count 24

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, August 12, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 123" and bearing date August 12, 1925, and covering a shipment of pears in a certain refrigerator car bearing the initials and number "PFE 13808" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at

51 said Pittsburgh, at 8.00 a. m., on August 12, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2600," purporting to show, and in substance and effect representing and declaring, that on August 12, 1925, at 8.00 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,600 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on

behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

52 Count 25

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, August 17, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 165" and bearing date August 17, 1925, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "PFE 18807" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company at said Pittsburgh,

53 at 6.30 a. m., on August 17, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2500," purporting to show, and in substance and effect representing and declaring, that on August 17, 1925, at 6.30 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,500 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,500 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

34 Count 26

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, August 23, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 246" and bearing date August 23, 1925, and covering a shipment of cabbage in a certain refrigerator car bearing the initials and number WFEX 6313" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said

35 Pittsburgh, at 3.40 p. m., on August 23, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2200," purporting to show, and in substance and effect representing and declaring, that on August 23, 1925, at 3.40 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,200 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,200 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

36 Count 27

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, August 17, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully and willfully did make, and cause

to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 165" and bearing date August 17, 1925, and covering a shipment of prunes, in a certain refrigerator car bearing the initials and number "PFE 22241" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant,

57 for and on behalf of said railroad company, at said Pittsburgh, at 6.35 a. m., on August 17, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2400," purporting to show, and in substance and effect representing and declaring, that on August 17, 1925, at 6.35 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,400 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,400 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

58 Count 28

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 3, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 24" and bearing date July 3, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "WFEX 62610" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which

said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said Pittsburgh, at 12.15 p. m., on July 3, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "3000," purporting to show, and in substance and effect representing and declaring, that on July 3, 1925, at 12.15 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 3,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 2,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

Count 29

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 5, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 report No. 33" and bearing date July 5, 1925 and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "PFE 9964" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said Pittsburgh, at 4.45 p. m., on July 5, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "3000," purporting to show, and in substance and effect representing and declaring, that on July 5, 1925, at 4.45 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and

placed 3,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice less than of, to wit, 4,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

62 Count 30

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 12, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers' Express Company Form AD-54, Report No. 119," and bearing date July 12, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "WFEX 4984," which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for
63 and on behalf of said railroad company, at said Pittsburgh, at 8.10 a. m., on July 12, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "3000," purporting to show, and in substance and effect representing and declaring, that on July 12, 1925, at 8.10 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 3,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 2,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and

correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

64 Count 31

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 19, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD–54 Report No. 203" and bearing date July 19, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 3005" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said

65 Pittsburgh, at 2.45 p. m., on July 19, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "1600," purporting to show, and in substance and effect representing and declaring, that on July 19, 1925, at 2.45 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 1,600 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 600 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

66 Count 32

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to

and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 19, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 203" and bearing date July 19, 1925, and covering a shipment of pears in a certain refrigerator car bearing the initials and number "PFE 10111" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on
67 behalf of said railroad company, at said Pittsburgh, at 12.50 p. m., on July 19, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "1800," purporting to show, and in substance and effect representing and declaring, that on July 19, 1925, at 12.50 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 1,800 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 600 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

68 Count 33

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 19, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54, Report No. 204" and bearing date

July 19, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "WFEX 62529," which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf
69 of said railroad company, at said Pittsburgh, at 2.50 p. m., on July 19, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "1600," purporting to show, and in substance and effect representing and declaring, that on July 19, 1925, at 2.50 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 1,600 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 600 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

70 Count 34

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 17, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 184" and bearing date July 17, 1925, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "PFE 7987" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf
71 of said railroad company, at said Pittsburgh, at 8.10 a. m., on July 17, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and

number of said car, the figures "2800," purporting to show, and in substance and effect representing and declaring, that on July 17, 1925, at 8.10 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,800 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,800 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

72 Count 35

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 19, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers' Express Company Form AD-54 Report No. 205" and bearing date July 19, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 26006" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf

73 of said railroad company, at said Pittsburgh, at 2.20 p. m., on July 19, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "1700," purporting to show, and in substance and effect representing and declaring, that on July 19, 1925, at 2.20 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 1,700 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quan-

tity of ice in excess of, to wit, 700 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in the bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

74 Count 36

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby refererd to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 19, 1925, at said Pittsburgh, in the Western District of Pennnsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers' Express Company Form AD–54 Report No. 203" and bearing date July 19, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 33709," which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for
75 and on behalf of said railroad company, at said Pittsburgh, at 2.25 p. m., on July 19, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car the figures "1000," purporting to show, and in substance and effect representing and declaring, that on July 19, 1925, at 2.25 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 1,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 600 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

76 Count 37

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 19, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 302" and bearing date July 19, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 35509" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on

77 behalf of said railroad company, at said Pittsburgh, at 2.30 p. m., on July 19, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "1800," purporting to show, and in substance and effect representing and declaring, that on July 19, 1925, at 2.30 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 1,800 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 800 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

78 Count 38

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 19, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD–54 Report No. 204" and bearing date July 19, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 22969" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said
79 Pittsburgh, at 3.00 p. m., on July 19, 1925, did willfully enter and caused to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "1800," purporting to show, and in substance and effect representing and declaring, that on July 19, 1925, at 3.00 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 1,800 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 800 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

80 Count 39

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 19, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD–54 Report No. 202" and bearing date July 19, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "WFEX 62113"

which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said Pittsburgh

81 at 12.25 p. m., on July 19, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "1600," purporting to show, and in substance and effect representing and declaring, that on July 19, 1925, at 12.35 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 1,600 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 600 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

82 Count 40

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 29, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 328" and bearing date July 29, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 42782" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf

83 of said railroad company, at said Pittsburgh, at 6.05 a. m., on July 29, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2000," purporting to show, and in substance and effect representing and declaring, that on July 29, 1925, at 6.05 a. m., the said defendant, at said Pittsburgh, for and on behalf

of said railroad company, had furnished and placed 2,600 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 2,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

84 Count 41

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 29, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers' Express Company Form AD-54 Report No. 328" and bearing date July 29, 1925, and covering a shipment of pears in a certain refrigerator car bearing the initials and number "PFE 23687" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of

85 said railroad company, at said Pittsburgh, at 6.35 a. m., on July 29, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "2400," purporting to show, and in substance and effect representing and declaring, that on July 29, 1925, at 6.35 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,400 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 2,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight

of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

86 Count 42

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 29, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers' Express Company Form AD-54 Report No. 328" and bearing date July 29, 1925, and covering a shipment of pears in a certain refrigerator car bearing the initials and number "PFE 14400" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in

87 the bunkers of said car by said defendant, for and on behalf of said railroad company, at said Pittsburgh, at 6.45 a. m., on July 29, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "2000," purporting to show, and in substance and effect representing and declaring, that on July 29, 1925, at 6.45 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 2,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

88 Count 43

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to

and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 29, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54, Report No. 328," and bearing date July 29, 1925, and covering a shipment of pears in a certain refrigerator car bearing the initials and number "PFE 4344," which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and
89 on behalf of said railroad company, at said Pittsburgh, at 8.50 a. m., on July 29, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2400," purporting to show, and in substance and effect representing and declaring, that on July 29, 1925, at 8.50 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,400 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 2,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

90 Count 44

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 29, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 329" and bear-

ing date July 29, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 41960" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said
91 Pittsburgh, at 12.35 p. m., on July 29, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "2100," purporting to show, and in substance and effect representing and declaring, that on July 29, 1925, at 12.35 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,100 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 1,500 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

92 Count 45

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 30, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 334" and bearing date July 30, 1925, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "PFE 26868" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at
93 said Pittsburgh, at 7.50 a. m., on July 30, 1925, did willfully enter and cause to be entered under the heading "Furnished Ice,"

on the line opposite said initials and number of said car, the figures "3000," purporting to show, and in substance and effect representing and declaring, that on July 30, 1925, at 7.30 a m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 3,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice in excess of, to wit, 2,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

94 Count 46

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, June 8, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54, Report No. 95," and bearing date June 8, 1925, and covering a shipment of oranges in a certain refrigerator car bearing the initials and number "PFE 9459," which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf
95 of said railroad company, at said Pittsburgh, at 6.40 a. m., on June 8, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "3300," purporting to show, and in substance and effect representing and declaring, that on June 8, 1925, at 6.40 a. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 3,300 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quan-

tity of ice less than, to wit, 5,100 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

96 Count 47

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 4, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 29" and bearing date July 4, 1925, and covering a shipment of apples in a certain refrigerator car bearing the initials and number "FGEX 11013" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf
97 of said railroad company, at said Pittsburgh, at 12.05 p. m., on July 4, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "3000," purporting to show, and in substance and effect representing and declaring, that on July 4, 1925, at 12.05 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 3,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice less than, to wit, 5,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

98 Count 48

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 5, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 37" and bearing date July 5, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 31668" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on
99 behalf of said railroad company, at said Pittsburgh, at 5.50 p. m., on July 5, 1925, did willfully enter and cause to be entered, under the heading "Furnished ice," on the line opposite said initials and number of said car, the figures "2600," purporting to show, and in substance and effect representing and declaring, that on July 5, 1925, at 5.50 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 2,600 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice less than, to wit, 4,800 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

100 Count 49

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 5, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 41," and bearing date July 5, 1925, and covering a shipment of beans, cucumbers, and egg plants in a certain refrigerator car bearing the initials and number "FGEX 45837," which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company, at said
101 Pittsburgh, at 8.05 p. m., on July 5, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "3000," purporting to show, and in substance and effect representing and declaring, that on July 5, 1925, at 8.05 p. m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 3,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice less than, to wit, 4,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

102 Count 50

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 5, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written report, designated and styled "Fruit Growers Express Company Form AD-54 Report No. 40" and bearing date July 5, 1925, and covering a shipment of corn, beans, tomatoes, and cucumbers in a certain refrigerator car bearing the initials and number "FGEX 23352" which had been transported by said railroad com-

pany to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, which said report contained information as to the quantity of ice which had been placed in the bunkers of said car by said defendant, for and on behalf of said railroad company,
103 at said Pittsburgh, at 10.05 a. m., on July 5, 1925, did willfully enter and cause to be entered, under the heading "Furnished Ice," on the line opposite said initials and number of said car, the figures "3000," purporting to show, and in substance and effect representing and declaring, that on July 5, 1925, at 10.05 a m., the said defendant, at said Pittsburgh, for and on behalf of said railroad company, had furnished and placed 3,000 pounds of ice in the bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said defendant, at the time and place stated, had not placed in the bunkers of said car, for and on behalf of said railroad company, or otherwise, any quantity of ice less than, to wit, 4,000 pounds; and that said defendant did willfully deliver and cause to be delivered the said report to said railroad company with intent that said railroad company should accept said false weight shown therein as the true and correct weight of the ice placed in bunkers of said car; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

104 Count 51

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, June 3, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did wilfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 9842," and bearing a certain date, to wit, June 3, 1925, and covering a shipment of lettuce in a certain refrigerator car bearing the initials and number "PFE 25859" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the consignee for the quantity of ice represented by said freight
105 bill to have been placed in the bunkers of said car at said Pittsburgh at 9.30 a. m., on June 1, 1925, did wilfully enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "3000," purporting to show, and in

to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, June 10, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did wilfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 11211," and bearing a certain date, to wit, June 10, 1925, and covering a shipment of apples in a certain refrigerator car bearing the initials and number "NP 95730" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the consignee for the quantity of ice represented by said freight bill

111 to have been placed in the bunkers of said car at said Pittsburgh at 8.35 a. m., on June 8, 1925, did wilfully enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "3400," purporting to show, and in substance and effect representing and declaring, that on June 8, 1925, at 8.35 a. m., the said railroad company, at said Pittsburgh, had placed, and had caused to be placed, 3,400 pounds of ice in said bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said railroad company, at the time and place stated, had neither placed nor caused to be placed in said bunkers of said car any quantity of ice less than, to wit, 4,400 pounds; that said defendant, while acting as aforesaid under the terms of the aforesaid contract, did then and there wilfully make, and cause to be made, the false entry aforesaid, in the manner and by the means following, to wit, that said defendant on, to wit, June 8, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report,

112 hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report, did wilfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD-54 Report No. 95," and bearing a certain date, to wit, June 8, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on at 8.35 a. m., 3,000 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice less than of, to wit, 4,400 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant for and on behalf of said railroad company,

or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

113 Count 54

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, June 16, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did wilfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 12331," and bearing a certain date, to wit, June 16, 1925, and covering a shipment of cauliflower and artichokes in a certain refrigerator car bearing the initials and number "PFE 51736" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the consignee for the quantity of ice
114 represented by said freight bill to have been placed in the bunkers of said car at said Pittsburgh at 12.15 p. m., on June 14, 1925, did wilfully enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "2600," purporting to show, and in substance and effect representing and declaring, that on June 14, 1925, at 12.15 p. m., the said railroad company, at said Pittsburgh, had placed, and had caused to be placed, 2,600 pounds of ice in said bunker of said car; whereas, in truth and in fact, as said defendant then and there well knew, said railroad company, at the time and place stated, had neither placed nor caused to be placed in said bunkers of said car, any quantity of ice in excess of, to wit, 1,600 pounds; that said defendant, while acting as aforesaid under the terms of the aforesaid contract, did then and there wilfully make, and cause to be made, the false entry aforesaid, in the manner and by the means following, to wit, that said defendant on, to wit, June 14, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report, hereafter in
115 this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report, did wilfully represent to said railroad com-

pany, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD–54 Report No. 149," and bearing a certain date, to wit, June 14, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on June 14, 1925, at 12.15 p. m., 2,600 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice in excess of, to wit, 1,600 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

116 Count 55

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, June 16, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did wilfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 12329," and bearing a certain date, to wit, June 16, 1925, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "PFE 5120" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the consignee for the quantity of ice represented by said
117 freight bill to have been placed in the bunkers of said car at said Pittsburgh at 10.00 a. m., on June 14, 1925, did wilfully enter and cause to be entered, in a column of said freight bill bearing the caption "weight," the figures "2000," purporting to show, and in substance and effect representing and declaring, that on June 14, 1925, at 10.00 a. m., the said railroad company, at said Pittsburgh, had placed, and had caused to be placed, 2,600 pounds of ice in said bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said railroad company, at the time and place stated, had neither placed nor caused to be placed in said bunkers of said car any quantity of ice in excess of, to wit, 1,600 pounds; that said defendant, while acting as aforesaid under the terms of the aforesaid contract, did then and there wilfully make, and cause to be made, the false entry aforesaid, in the manner and

by the means following, to wit, that said defendant on, to wit, June 14, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the
118 written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report, did wilfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD–54 Report No. 149," and bearing a certain date, to wit, June 14, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on June 14, 1925, at 10.00 a. m., 2,600 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice in excess of, to wit, 1,600 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

119 Count 56

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 7, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did wilfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 16723," and bearing a certain date, to wit, July 7, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 31150" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the consignee for the quantity of ice represented by said freight bill to have been
120 placed in the bunkers of said car at said Pittsburgh at 1.40 p. m., on July 4, 1925, did wilfully enter and cause to be entered in a column of said freight bill bearing the caption "Weight," the figures "2800," purporting to show, and in substance and effect representing and declaring, that on July 4, 1925, at 1.40 p. m., the

said railroad company, at said Pittsburgh, had placed, and had caused to be placed, 2,800 pounds of ice in said bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said railroad company, at the time and place stated, had neither placed nor caused to be placed in said bunkers of said car, any quantity of ice in excess of, to wit, 1,800 pounds; that said defendant, while acting as aforesaid under the terms of the aforesaid contract, did then and there wilfully make, and cause to be made, the false entry aforesaid, in the manner and by the means following, to wit, that said defendant on, to wit, July 4, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, then and there well knowing that said railroad company, in its regular course of business, and in accordance with its established custom, would rely upon the written report, hereafter
121 in this count specifically mentioned, as containing true and accurate statements and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report, did wilfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD–54 Report No. 29," and bearing a certain date, to wit, July 4, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on July 4, 1925, at 1.40 p. m., 2,800 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice in excess of, to wit, 1,800 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

122 Count 37

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 7, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did wilfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 16724," and bearing a certain date, to wit, July 7, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX

34813," which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the consignee for the quantity of ice represented by said freight bill to have
123 been placed in the bunkers of said car at said Pittsburgh at 1.35 p. m., on July 4, 1925, did wilfully enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "2200," purporting to show, and in substance and effect representing and declaring, that on July 4, 1925, at 1.35 p. m., the said railroad company, at said Pittsburgh, had placed, and had caused to be placed, 2,200 pounds of ice in said bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said railroad company, at the time and place stated, had neither placed nor caused to be placed in said bunkers of said car, any quantity of ice in excess of, to wit, 1,200 pounds; that said defendant, while acting as aforesaid under the terms of the aforesaid contract, did then and there wilfully make, and cause to be made, the false entry aforesaid, in the manner and by the means following, to wit, that said defendant on, to wit, July 4, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would
124 rely upon the written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report, did wilfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD-54, Report No. 29," and bearing certain date, to wit, July 4, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on July 4, 1925, at 1.35 p. m., 2,200 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice in excess of, to wit, 1,200 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

125 Count 58

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 7, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did wilfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 16721," and bearing a certain date, to wit, July 7, 1925, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "FGEX 11035" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the consignee for the quantity of ice represented by said
126 freight bill to have been placed in the bunkers of said car at said Pittsburgh at 1.55 p. m., on July 4, 1925, did wilfully enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "2800," purporting to show, and in substance and effect representing and declaring, that on July 4, 1925, at 1.55 p. m., the said railroad company, at said Pittsburgh, had placed, and had caused to be placed, 2,800 pounds of ice in said bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said railroad company, at the time and place stated, had neither placed nor caused to be placed in said bunkers of said car any quantity of ice in excess of, to wit, 1,800 pounds; that said defendant, while acting as aforesaid under the terms of the aforesaid contract, did then and there wilfully make, and cause to be made, the false entry aforesaid, in the manner and by the means following, to wit, that said defendant on, to wit, July 4, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the
127 written report, hereafter in this count specifically mentioned as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report, did wilfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD-54 Report No. 29," and bearing a certain date, to wit, July 4, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on at 1.55 p. m., 2,800 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice in excess of, to wit, 1,800 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

128 Count 59

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 7, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did wilfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 16573," and bearing a certain date, to wit, July 7, 1925, and covering a shipment of lettuce in a certain refrigerator car bearing the initials and number "NP 9927" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the consignee for

129 the quantity of ice represented by said freight bill to have been placed in the bunkers of said car at said Pittsburgh at 4.45 p. m., on July 5, 1925, did wilfully enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "3000," purporting to show, and in substance and effect representing and declaring, that on July 5, 1925, at 4.45 p. m., the said railroad company, at said Pittsburgh, had placed, and had caused to be placed, 3,000 pounds of ice in said bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said railroad company, at the time and place stated, had neither placed nor caused to be placed in said bunkers of said car any quantity of ice in excess of, to wit, 1,000 pounds; that said defendant, while acting as aforesaid under the terms of the aforesaid contract, did then and there wilfully make, and cause to be made, the false entry aforesaid, in the manner and by the means following, to wit, that said defendant on, to wit, July 5, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, then and there well knowing that said railroad company, in its regular course of business and in accordance with its

130 established custom, would rely upon the written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report, did wilfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD-54 Report No. 37," and bearing a certain date, to wit, July 5, 1925, that said defendant, for and on behalf of said railroad company, had

placed in the bunkers of the aforementioned car, at said Pittsburgh, on July 5, 1925, at 4.45 p. m., 3,000 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice in excess of, to wit, 1,000 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

131 Count 60

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 18, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did wilfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 19273," and bearing a certain date, to wit, July 18, 1925, and covering a shipment of apples in a certain refrigerator car bearing the initials and number "WFEX 66113" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the consignee for the quantity of ice represented by said freight bill to have been
132 placed in the bunkers of said car at said Pittsburgh at 12.30 p. m., on July 16, 1925, did wilfully enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "2800," purporting to show, and in substance and effect representing and declaring, that on July 16, 1925, at 12.30 p. m., the said railroad company, at said Pittsburgh, had placed, and had caused to be placed, 2,800 pounds of ice in said bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said railroad company, at the time and place stated, had neither placed nor caused to be placed in said bunkers of said car, any quantity of ice in excess of, to wit, 2,000 pounds; that said defendant, while acting as aforesaid under the terms of the aforesaid contract, did then and there wilfully make, and cause to be made, the false entry aforesaid, in the manner and by the means following, to wit, that said defendant on, to wit, July 16, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established

custom, would rely upon the written report, hereafter in this
133 count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report, did wilfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD–54 Report No. 176," and bearing a certain date, to wit, July 16, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on July 16, 1925, at 12.30 p. m., 2,800 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice in excess of, to wit, 2,000 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

134 Count 61

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 18, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 19281," and bearing a certain date, to wit, July 18, 1925, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "SFRD 8149" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by
the consignee for the quantity of ice represented by said freight
135 bill to have been placed in the bunkers of said car at said Pittsburgh at 2.25 p. m., on July 16, 1925, did wilfully enter and cause to be entered, in the column of said freight bill bearing the caption "weight," the figures "3700," purporting to show, and in substance and effect representing and declaring, that on July 16, 1925, at 2.25 p. m., the said railroad company, at said Pittsburgh, had placed, and had caused to be placed, 3,700 pounds of ice in said bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said railroad company, at the time and

place stated, had neither placed nor caused to be placed in said bunkers of said car, any quantity of ice less than, to wit, 5,700 pounds; that said defendant, while acting as aforesaid under the terms of the aforesaid contract, did then and there wilfully make, and cause to be made, the false entry aforesaid, in the manner and by the means following, to wit, that said defendant on, to wit, July 16, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the
136 written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report, did wilfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD-54 Report No. 174," and bearing a certain date, to wit, July 16, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on July 16, 1925, at 2.25 p. m., 3,700 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice less than, to wit, 5,700 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

137 Count 62

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 18, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did wilfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 19256," and bearing a certain date, to wit, July 18, 1925, and covering a shipment of apples in a certain refrigerator car bearing the initials and number "WFEX 65013" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the

consignee for the quantity of ice represented by said freight
138 bill to have been placed in the bunkers of said car at said Pittsburgh at 10.45 a. m., on July 16, 1925, did wilfully enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "3000," purporting to show and in substance and effect representing and declaring, that on July 16, 1925, at 10.45 a. m., the said railroad company, at said Pittsburgh, had placed and had caused to be placed, 3,000 pounds of ice in said bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said railroad company, at the time and place stated, had neither placed nor caused to be placed in said bunkers of said car, any quantity of ice less than, to wit, 5,000 pounds; that said defendant, while acting as aforesaid under the terms of the aforesaid contract, did then and there wilfully make, and cause to be made, the false entry aforesaid, in the manner and by the means following, to wit, that said defendant on, to wit, July 16, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report,
139 hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report, did wilfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD-54 Report No. 178," and bearing a certain date, to wit, July 16, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on July 16, 1925, at 10.45 a. m., 3,000 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice less than, to wit, 5,000 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

140 Count 63

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 23, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court,

said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did wilfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 20409," and bearing a certain date, to wit, July 23, 1925, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "SFRD 12615," which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the consignee for the quantity of ice represented by said freight
141 bill to have been placed in the bunkers of said car at said Pittsburgh at 5.50 p. m., on July 21, 1925, did wilfully enter and cause to be entered, in a column of said freight bills bearing the caption "Weight," the figures "3800," purporting to show, and in substance and effect representing and declaring, that on July 21, 1925, at 5.50 p. m., the said railroad company, at said Pittsburgh, had placed, and had caused to be placed, 3,800 pounds of ice in said bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said railroad company, at the time and place stated, had neither placed nor caused to be placed in said bunkers of said car, any quantity of ice less than, to wit, 4,800 pounds; that said defendant, while acting as aforesaid under the terms of the aforesaid contract, did then and there wilfully make, and cause to be made, the false entry aforesaid, in the manner and by the means following, to wit, that said defendant on, to wit, July 21, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report, here-
142 after in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report, did wilfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD-54, Report No. 231," and bearing a certain date, to wit, July 21, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on July 21, 1925, at 5.50 p. m., 3,800 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice less than, to wit, 4,800 pounds had been placed in the said bunkers of said car, at the time and place stated, by said defendant for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

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Count 64

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 9, 1926, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did wilfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 16205," and bearing a certain date, to wit, July 9, 1926, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "PFE 19004" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the consignee for the quantity of ice represented by said freight

144 bill to have been placed in the bunkers of said car at said Pittsburgh at 2.35 p. m., on July 8, 1926, did wilfully enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "3000," purporting to show, and in substance and effect representing and declaring, that on July 8, 1926, at 2.35 p. m., the said railroad company, at said Pittsburgh, had placed, and had caused to be placed, 3,000 pounds of ice in said bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said railroad company, at the time and place stated, had neither placed nor caused to be placed in said bunkers of said car, any quantity of ice in excess of, to wit, 2,000 pounds; that said defendant, while acting as aforesaid under the terms of the aforesaid contract, did then and there wilfully make, and cause to be made, the false entry aforesaid, in the manner and by the means following, to wit, that said defendant on, to wit, July 8, 1926, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the

145 written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report, did wilfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD-54 Report No. 78," and bearing a certain date, to wit, July 8, 1926, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at

said Pittsburgh, on July 8, 1926, at 2.35 p. m., 3,000 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice in excess of, to wit, 2,000 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

146 Count 65

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 19, 1926, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant, while acting as aforesaid under the terms of the aforesaid contract, unlawfully did willfully make, and cause to be made, a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended; that is to say, said defendant, in a certain written freight bill kept by said railroad company, designated and styled "Freight Bill No. 17858," and bearing a certain date, to wit, July 19, 1926, and covering a shipment of peaches in a certain refrigerator car bearing the initials and number "WFEX 63724" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the consignee for the quantity of ice represented by said freight

147 bill to have been placed in the bunkers of said car at said Pittsburgh at 3.35 p. m., on July 18, 1926, did willfully enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "4000," purporting to show, and in substance and effect representing and declaring, that on July 18, 1926, at 3.35 p. m., the said railroad company, at said Pittsburgh, had placed, and had caused to be placed, 4,000 pounds of ice in said bunkers of said car; whereas, in truth and in fact, as said defendant then and there well knew, said railroad company, at the time and place stated, had neither placed nor caused to be placed in said bunkers of said car any quantity of ice in excess of, to wit, 1,000 pounds; that said defendant, while acting as aforesaid under the terms of the aforesaid contract, did then and there willfully make, and cause to be made, the false entry aforesaid, in the manner and by the means following to wit, that said defendant on, to wit, July 18, 1926, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, then and there well knowing that said railroad company, in its regular course of business and

in accordance with its established custom, would rely upon
148 the written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report, did willfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD–54 Report No. 206," and bearing a certain date, to wit, July 18, 1926, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on July 18, 1926, at 3.35 p. m., 4,000 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice in excess of, to wit, 1,600 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

149 Count 66

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 23, 1925, at said Pittsburgh, said railroad company (not here indicted), relying upon the truth and accuracy of the statements and representations in the report in writing furnished to said railroad company by said defendant, and hereafter in this count specifically mentioned, did make, and cause to be made, a false entry in a record kept by said railroad company; that is to say, that said railroad company, in a certain written freight bill, designated and styled "Freight Bill No. 20412," and bearing a certain date to wit, July 23, 1925, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "SFRD 21772" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the said consignee for the quantity of ice represented by said freight bill to have been
furnished and placed in the bunkers of said car at said Pitts-
150 burgh, at 4.20 p. m., on July 21, 1925, did enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "3800," purporting to show, and in substance and effect representing and declaring, that on July 21, 1925, at 4.20 p. m., the said railroad company, at said Pittsburgh, had furnished and placed, and had caused to be furnished and placed, 3,800 pounds

of ice in the said bunkers of said car; which said representation and declaration as to the weight of ice placed in said bunkers of said car were false, in that there had not been placed in said bunkers of said car, at the time and place stated, any quantity of ice less than, to wit, 4,800 pounds.

3. That on, to wit, July 21, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully cause, procure, aid, and abet said railroad company to make the aforementioned false entry in said freight bill as to the quantity of ice furnished and placed in said bunkers of said car, that is to say, said defendant at said Pittsburgh, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report,

151 did willfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD-54 Report No. 231," and bearing a certain date, to wit, July 21, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittburgh, on July 21, 1925, at 4.20 p. m., 3,800 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice less than, to wit, 4,800 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant, for and on behalf of sai railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

152 Count 67

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, August 8, 1925, at said Pittsburgh, said railroad company (not here indicted), relying upon the truth and accuracy of the statements and representations in the report in writing furnished to said railroad company by said defendant, and hereafter in this count specifically mentioned, did make, and cause to be made, a false entry in a record kept by said railroad company; that is to say, that said railroad company, in a certain written freight bill, designated and styled "Freight Bill No. 25033," and bearing a certain date, to wit, August 8, 1925, and covering a shipment of lettuce in a certain refrigerator car bearing the initials and number "ART 15591,"

which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the said consignee for the quantity of ice represented by said freight bill to have been furnished and placed in the bunkers of said car at said Pitts-
153 burgh, at 5.00 p. m., on August 6, 1925, did enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "1600," purporting to show, and in substance and effect representing and declaring, that on August 6, 1925, at 5.00 p. m., the said railroad company, at said Pittsburgh, had furnished and placed, and had caused to be furnished and placed, 1,600 pounds of ice in the said bunkers of said car; which said representation and declaration as to the weight of ice placed in said bunkers of said car were false, in that there had not been placed in said bunkers of said car, at the time and place stated, any quantity of ice in excess of 600 pounds.

3. That on, to wit, August 6, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully cause, procure, aid, and abet said railroad company to make the aforementioned false entry in said freight bill as to the quantity of ice furnished and placed in said bunkers of said car; that is to say, said defendant at said Pittsburgh, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report,
154 did willfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers' Express Company Form AD-54, Report No. 63," and bearing a certain date, to wit, August 6, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on August 6, 1925, at 5.00 p. m., 1,600 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice in excess of, to wit, 600 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant, for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

155 Count 68

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to

and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, August 8, 1925, at said Pittsburgh, said railroad company (not here indicted), relying upon the truth and accuracy of the statements and representations in the report in writing furnished to said railroad company by said defendant, and hereafter in this count specifically mentioned, did make, and cause to be made, a false entry in a record kept by said railroad company; that is to say, that said railroad company, in a certain written freight bill, designated and styled "Freight Bill No. 25035," and bearing a certain date, to wit, August 8, 1925, and covering a shipment of cantaloupes in a certain refrigerator car bearing the initials and number "SFRD 7137" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the said consignee for the quantity of ice represented by said freight bill to have been furnished and placed in the bunkers of said
156 car at said Pittsburgh, at 3.45 p. m., on August 6, 1925, did enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "3200," purporting to show, and in substance and effect representing and declaring, that on August 6, 1925, at 3.45 p. m., the said railroad company, at said Pittsburgh, had furnished and placed, and had caused to be furnished and placed, 3,200 pounds of ice in the said bunkers of said car; which said representation and declaration as to the weight of ice placed in said bunkers of said car were false, in that there had not been placed in said bunkers of said car, at the time and place stated, any quantity of ice less than, to wit, 4,200 pounds.

3. That on, to wit, August 6, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully cause, procure, aid, and abet said railroad company to make the aforementioned false entry in said freight bill as to the quantity of ice furnished and placed in said bunkers of said car, that is to say, said defendant at said Pittsburgh, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth
157 in, said written report, did willfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD-54 Report No. 63," and bearing a certain date, to wit, August 6, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on August 6, 1925, at 3.45 p. m., 3,200 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice less than, to wit, 4,200 pounds,

had been placed in the said bunkers of said car, at the time and place stated, by said defendant, for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

158 Count 69

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, September 2, 1925, at said Pittsburgh, said railroad company (not here indicted), relying upon the truth and accuracy of the statements and representations in the report in writing furnished to said railroad company by said defendant, and hereafter in this count specifically mentioned, did make, and cause to be made, a false entry in a record kept by said railroad company; that is to say, that said railroad company, in a certain written freight bill, designated and styled "Freight Bill No. 30238," and bearing a certain date, to wit, September 2, 1925, and covering a shipment of pears in a certain refrigerator car bearing the initials and number "Erie 62033" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the said consignee for the quantity of ice represented by said freight bill to have been furnished and placed in the bunkers of said car at
159 said Pittsburgh, at 10.20 a. m., on August 31, 1925, did enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "1600," purporting to show, and in substance and effect representing and declaring, that on August 31, 1925, at 10.20 a. m., the said railroad company, at said Pittsburgh, had furnished and placed, and had caused to be furnished and placed, 1,600 pounds of ice in the said bunkers of said car; which said representation and declaration as to the weight of ice placed in said bunkers of said car were false, in that there had not been placed in said bunkers of said car, at the time and place stated, any quantity of ice less than, to wit, 2,600 pounds.

3. That on, to wit, August 31, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully cause, procure, aid, and abet said railroad company to make the aforementioned false entry in said freight bill as to the quantity of ice furnished and placed in said bunkers of said car, that is to say, said defendant at said Pittsburgh, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report, hereafter in this count

specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report,

160 did willfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD-54 Report No. 354," and bearing a certain date, to wit, August 31, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on August 31, 1925, at 10.20 a. m., 1,600 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice less than, to wit, 2,600 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant, for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

161 Count 70

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, September 16, 1925, at said Pittsburgh, said railroad company (not here indicted), relying upon the truth and accuracy of the statements and representations in the report in writing furnished to said railroad company by said defendant, and hereafter in this count specifically mentioned, did make, and cause to be made, a false entry in a record kept by said railroad company; that is to say, that said railroad company, in a certain written freight bill, designated and styled "Freight Bill No. 32924," and bearing a certain date, to wit, September 16, 1925, and covering a shipment of cabbage in a certain refrigerator car bearing the initials and number "ART 13709" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the said consignee for the quantity of ice represented by said freight bill to have been furnished and placed in the bunkers of said

162 car at said Pittsburgh, at 11.50 a. m., on September 13, 1925, did enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "3000," purporting to show, and in substance and effect representing and declaring, that on September 13, 1925, at 11.50 a. m., the said railroad company, at said Pittsburgh, had furnished and placed, and had caused to be furnished and placed, 3,000 pounds of ice in the said bunkers of said car; which said representation and declaration as to the weight of ice placed in said bunkers of said car were false, in that there had

not been placed in said bunkers of said car, at the time and place stated, any quantity of ice less than, to wit, 4,600 pounds.

3. That on, to wit, September 13, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully cause, procure, aid, and abet said railroad company to make the aforementioned false entry in said freight bill as to the quantity of ice furnished and placed in said bunkers of said car; that is to say, said defendant at said Pittsburgh, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report,

163 did willfully repersent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD–54 Report No. 212," and bearing a certain date, to wit, September 13, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on September 13, 1925, at 11.50 a. m., 3,000 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice less than, to wit, 4,600 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant, for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

164 Count 71

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, September 17, 1925, at said Pittsburgh, said railroad company (not here indicted), relying upon the truth and accuracy of the statements and representations in the report in writing furnished to said railroad company by said defendant, and hereafter in this count specifically mentioned, did make, and cause to be made, a false entry in a record kept by said railroad company; that is to say, that said railroad company, in a certain written freight bill, designated and styled "Freight Bill No. 33235," and bearing a certain date, to wit, September 17, 1925, and covering a shipment of lettuce in a certain refrigerator car bearing the initials and number "ART 15584" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh

to the consignee thereof, said freight bill being for charges to be paid by the said consignee for the quantity of ice represented by said freight bill to have been furnished and placed in the
165 bunkers of said car at said Pittsburgh, at 9.00 a. m., on September 15, 1925, did enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "1800," purporting to show, and in substance and effect representing and declaring, that on September 15, 1925, at 9.00 a. m., the said railroad company, at said Pittsburgh, had furnished and placed, and had caused to be furnished and placed, 1,800 pounds of ice in the said bunkers of said car; which said representation and declaration as to the weight of ice placed in said bunkers of said car were false, in that there had not been placed in said bunkers of said car, at the time and place stated, any quantity of ice in excess of 800 pounds.

3. That on, to wit, September 15, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully cause, procure, aid, and abet said railroad company to make the aforementioned false entry in said freight bill as to the quantity of ice furnished and placed in said bunkers of said car, that is to say, said defendant at said Pittsburgh, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said
166 written report, did willfully represent to said railroad company, through and by means of certain written report designated and styled "Fruit Growers Express Company Form AD-54 Report No. 252," and bearing a certain date, to wit, September 15, 1925, that said defendant, for and on behalf of said railroad Company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on September 15, 1925, at 9.00 a. m., 1,800 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice in excess of, to wit, 800 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant, for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

167 Count 72

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, September 17, 1925, at said Pittsburgh, said railroad company (not here indicted), relying upon the truth and

accuracy of the statements and representations in the report in writing furnished to said railroad company by said defendant, and hereafter in this count specifically mentioned, did make, and cause to be made, a false entry in a record kept by said railroad company; that is to say, that said railroad company, in a certain written freight bill, designated and styled "Freight Bill No. 33236," and bearing a certain date, to wit, September 17, 1925, and covering a shipment of lettuce in a certain refrigerator car bearing the initials and number "ART 15413" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the said consignee for the quantity of ice represented by said freight bill to have been furnished and placed in the bunkers of said car at
168 said Pittsburgh, at 8.50 a. m., on September 15, 1925, did enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "1800," purporting to show, and in substance and effect representing and declaring, that on September 15, 1925, at 8.50 a. m., the said railroad company, at said Pittsburgh, had furnished and placed, and had caused to be furnished and placed, 1,800 pounds of ice in the said bunkers of said car; which said representation and declaration as to the weight of ice placed in said bunkers of said car were false, in that there had not been placed in said bunkers of said car, at the time and place stated, any quantity of ice in excess of 800 pounds.

3. That on, to wit, September 15, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully cause, procure, aid, and abet said railroad company to make the aforementioned false entry in said freight bill as to the quantity of ice furnished and placed in said bunkers of said car, that is to say, said defendant at said Pittsburgh, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said written report,
169 did willfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD-54 Report No. 252," and bearing a certain date, to wit, September 15, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on September 15, 1925, at 8.50 a. m., 1,800 pounds of ice, said representation, as said defendant then and there well knew, being false and fradulent, in that no quantity of ice in excess of, to wit, 800 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant, for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

170 Count 73

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, September 19, 1925, at said Pittsburgh, said railroad company (not here indicted), relying upon the truth and accuracy of the statements and representations in the report in writing furnished to said railroad company by said defendant, and hereafter in this count specifically mentioned, did make, and cause to be made, a false entry in a record kept by said railroad company; that is to say, that said railroad company, in a certain written freight bill, designated and styled "Freight Bill No. 33713," and bearing a certain date, to wit, September 19, 1925, and covering a shipment of apples in a certain refrigerator car bearing the initials and number "NP 93084" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the said consignee for the quantity of ice represented by said

171 freight bill to have been furnished and placed in the bunkers of said car at said Pittsburgh, at 7.10 a. m., on September 17, 1925, did enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "1600," purporting to show, and in substance and effect representing and declaring, that on September 17, 1925, at 7.10 a. m., the said railroad company, at said Pittsburgh, had furnished and placed, and had caused to be furnished and placed, 1,600 pounds of ice in the said bunkers of said car; which said representation and declaration as to the weight of ice placed in said bunkers of said car were false, in that there had not been placed in said bunkers of said car, at the time and place stated, any quantity of ice in excess of 600 pounds.

3. That on, to wit, September 17, 1925, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully cause, procure, aid, and abet said railroad company to make the aforementioned false entry in said freight bill as to the quantity of ice furnished and placed in said bunkers of said car, that is to say, said defendant at said Pittsburgh, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth

172 in, said written report, did willfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Com-

pany Form AD–54 Report No. 292," and bearing a certain date, to wit, September 17, 1925, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on September 17, 1925, at 7.10 a. m., 1,600 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice in excess of, to wit, 600 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant, for and on behalf of said railroad company, or otherwise; contrary to the from of the statute in such case made and provided and against the peace and dignity of the United States.

173 Count 74

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, July 24, 1926, at said Pittsburgh, said railroad company (not here indicted), relying upon the truth and accuracy of the statements and representations in the report in writing furnished to said railroad company by said defendant, and hereafter in this count specifically mentioned, did make, and cause to be made, a false entry in a record kept by said railroad company; that is to say, that said railroad company, in a certain written freight bill, designated and styled "Freight Bill No. 19101," and bearing a certain date, to wit, July 24, 1926, and covering a shipment of apples in a certain refrigerator car bearing the initials and number "FGEX 31054" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the said consignee for the quantity of ice represented by said freight bill to have been furnished and placed in the bunkers of said car at said Pitts-
174 burgh, at 6.00 p. m., on July 23, 1926, did enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "4300," purporting to show, and in substance and effect representing and declaring, that on July 23, 1926, at 6.00 p. m., the said railroad company, at said Pittsburgh, had furnished and placed, and had caused to be furnished and placed, 4,300 pounds of ice in the said bunkers of said car; which said representation and declaration as to the weight of ice placed in said bunkers of said car were false, in that there had not been placed in said bunkers of said car, at the time and place stated, any quantity of ice less than, to wit, 6,300 pounds.

3. That on, to wit, July 23, 1926, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully cause, procure,

aid, and abet said railroad company to make the aforementioned false entry in said freight bill as to the quantity of ice furnished and placed in said bunkers of said car, that is to say, said defendant at said Pittsburgh, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth
175 in, said written report, did willfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD-54 Report No. 318," and bearing a certain date, to wit, July 23, 1926, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on July 23, 1926, at 6.00 p. m., 4,300 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice less than, to wit, 6,300 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant, for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

176 Count 75

And the grand jurors aforesaid, upon their oaths and affirmations aforesaid, do further present:

1. The facts set forth in paragraphs numbered 1, 2, 3, and 4 of count 1 of this indictment, which said facts are hereby referred to and incorporated in this count as fully as if they were herein repeated.

2. That on, to wit, September 27, 1926, at said Pittsburgh, said railroad company (not here indicted), relying upon the truth and accuracy of the statements and representations in the report in writing furnished to said railroad company by said defendant, and hereafter in this count specifically mentioned, did make, and cause to be made, a false entry in a record kept by said railroad company; that is to say, that said railroad company, in a certain written freight bill, designated and styled "Freight Bill No. 34273," and bearing a certain date, to wit, September 27, 1926, and covering a shipment of grapes in a certain refrigerator car bearing the initials and number "SFRD 13275" which had been transported by said railroad company to said Pittsburgh for delivery at said Pittsburgh to the consignee thereof, said freight bill being for charges to be paid by the said consignee for the quantity of ice represented by said freight bill to have been furnished and placed in the bunkers of said car at
177 said Pittsburgh, at 12.05 p. m., on September 26, 1926, did enter and cause to be entered, in a column of said freight bill bearing the caption "Weight," the figures "2800," purporting to show,

and in substance and effect representing and declaring, that on September 26, 1928, at 12.05 p. m., the said railroad company, at said Pittsburgh, had furnished and placed, and had caused to be furnished and placed, 2,800 pounds of ice in the said bunkers of said car; which said representation and declaration as to the weight of ice placed in said bunkers of said car were false, in that there had not been placed in said bunkers of said car, at the time and place stated, any quantity of ice in excess of 1,800 pounds.

3. That on, to wit, September 26, 1926, at said Pittsburgh, in the Western District of Pennsylvania, and within the jurisdiction of this court, said defendant unlawfully did willfully cause, procure, aid, and abet said railroad company to make the aforementioned false entry in said freight bill as to the quantity of ice furnished and placed in said bunkers of said car, that is to say, said defendant at said Pittsburgh, then and there well knowing that said railroad company, in its regular course of business and in accordance with its established custom, would rely upon the written report, hereafter in this count specifically mentioned, as containing true and accurate statements, and would prepare and render the aforesaid freight bill based upon the information shown by, and set forth in, said
178 written report, and willfully represent to said railroad company, through and by means of a certain written report designated and styled "Fruit Growers Express Company Form AD–54 Report No. 477," and bearing a certain date, to wit, September 26, 1926, that said defendant, for and on behalf of said railroad company, had placed in the bunkers of the aforementioned car, at said Pittsburgh, on September 26, 1926, at 12.05 p. m., 2,800 pounds of ice, said representation, as said defendant then and there well knew, being false and fraudulent, in that no quantity of ice in excess of, to wit, 1,800 pounds, had been placed in the said bunkers of said car, at the time and place stated, by said defendant, for and on behalf of said railroad company, or otherwise; contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

JOHN D. MEYER,
United States Attorney.

178½ [File indorsement omitted.]

179 In United States District Court

UNITED STATES OF AMERICA
vs.
FRUIT GROWERS EXPRESS COMPANY, A CORPORATION } No. 3957, Criminal

Motion for writ of venire facias ad respondendum and order allowing same

And now, to wit, December 1, A. D. 1927, comes John D. Meyer, United States attorney, and moves the court to order that a writ of

venire facias ad respondendum issue against the defendant in the above entitled case, the Fruit Growers Express Company, a corporation, commanding said defendant to appear and either plead or demur to the indictment herein filed at the above number on or before the 16th day of December, A. D. 1927.

JOHN D. MEYER,
United States Attorney.

Order

And now, to wit, December 1, A. D. 1927, on consideration of the foregoing motion, it is ordered that a writ of venire facias ad respondendum be issued against defendant Fruit Growers Express Company, commanding it to appear and either plead or demur to the indictment herein filed, on or before the 16th day of December, 1927, and it is ordered that the said writ be served forthwith.

R. M. GIBSON,
United States District Judge.

DEC. 1, 1927.

180 In United States District Court

[Title omitted.]

Writ of venire facias ad respondendum and marshal's return

The President of the United States to the marshal of the Western District of Pennsylvania, greeting:

Whereas, in the District Court of the United States for the Western District of Pennsylvania, on November 22, 1927, an indictment was filed at No. 3957 Criminal Docket of the said court against the Fruit Growers Express Company, a corporation, charging it with a violation of falsification of railroad records, aiding & abetting in falsification railroad records, a copy of which complaint having been filed as said No. 3957, Criminal.

And whereas, the said court on the 1st day of December, 1927, on application of the United States district attorney, made an order permitting the issuance of this writ; now by virtue thereof

We command you that you summon the Fruit Growers Express Company, a corporation, so that it be and appear before our said court at Pittsburgh, Pa., in said district, on or before the 16th day of December, 1927, to plead to, demur, or answer the said indictment.

And have you then and there this writ.

Witness the honorable the judges of the District Court of the United States for the Western District of Penna., at Pittsburgh, Pa., this 1st day of December, A. D. 1927, and in the 152nd year of the independence of the U. S.

J. WOOD CLARK, *Clerk.*

DEC. 6, 1927.
Form No. 282.

Return on service of writ

UNITED STATES OF AMERICA, WESTERN DISTRICT OF PENNA., *ss:*

I hereby certify and return that I served the annexed writ of venire facias as responendum on the therein-named Fruit Growers Express Company, a corporation, by handing to and leaving a true and correct copy thereof with R. J. Andrews, agent for said company, at Pittsburgh, Pa., in said district, on the 6th day of December, A. D. 1927.

Service, $2.00.
Mileage, .24.

$

JAMES C. MCGREGOR, *U. S. Marshal.*
J. F. AUSTIN, *Deputy.*

181 In United States District Court

[Title omitted.]

Praecipe for appearance

Dec. 12, 1927

To J. WOOD CLARK, Esq., *Clerk.*

Enter our appearance as counsel for the defendant in the above case.

DALZELL, FISHER & DALZELL,
Attorneys for Defendant.

182 In United States District Court

[Title omitted.]

Motion ex parte defendant to quash the indictment

Filed April 13, 1928

And now, April 13th, 1928, comes the above-named defendant, by its attorneys, Dalzell, Fisher & Dalzell, and moves the court to quash the indictment in the above case, and assigns as reasons therefore the following, to wit:

1. That there is no allegation in the indictment that the defendant is a common carrier, and the interstate commerce act, which is the law upon which the indictment is based, applies only to common carriers and their directors, officers, agents and employees, or persons legally occupying like positions.

2. That the defendant is described in the indictment as a corporation which performed the acts complained of as a "contractor," under a written contract with a common carrier railroad to perform said

acts in accordance with the terms of said contract, and not as agent or employee of such common carrier.

3. That counts 1–50 each charge the making by the defendant of a "false entry in a record kept by a common carrier subject to said act to regulate commerce as amended," whereas the averments of the indictment affirmatively show that the false entries were made in the records of the defendant and not in those "kept" by the common carrier.

183 4. That counts 51–65 each charge the making by the defendant of a "false entry" in a freight bill issued by the common carrier to its customers, whereas the averments of the indictment affirmatively show that the contents of said bills were made up wholly by the carrier from records kept by said carrier in accordance with the requirements of said act.

5. That counts 66–75 each charge the defendant with wilfully causing, procuring, aiding, and abetting the common carrier to make a false entry in a freight bill, whereas the averments of the indictment affirmatively show that the defendant did not and could not make false entries in the records "kept" by the common carrier, from which said bills were wholly made up.

6. That the indictment is fatally defective in that it does not charge that any false entry was "wilfully" made in a common carrier record by such common carrier, or any director, officer, agent, or employe thereof, or by any other person designated and described in the act upon which the indictment is based.

7. That the defendant corporation is not "a person acting for or employed by" a common carrier corporation, within the true meaning and intent of said act, since it clearly appears that the section of the act invoked applies only to common carriers and to such natural persons as shall occupy to said carrier one of the several classes of relationship therein named.

8. That the indictment as a whole is legally defective and void, in that it fails to charge the defendant with the commission of any offense or violation of the penal laws of the United States.

DALZELL, FISHER & DALZELL,
Attorneys for the Defendant.

184 In United States District Court

Rule to show cause

And now, April 13, 1928, the above motion to quash presented in open court, and upon consideration thereof a rule is granted on the United States attorney to show cause why said indictment should not be quashed, returnable to the 24th day of April, 1928.

Per curiam.

G.

[File indorsement omitted.]

185 In United States District Court

[Title omited.]

Motion for leave to supplement motion to quash and order allowing same

Filed April 23, 1928

And now, April 23, 1928, comes the above named defendant by its attorneys, Dalzell, Fisher, and Dalzell, and respectfully moves the court for leave to supplement its motion to quash the indictment in the above entitled case by adding thereto the following additional reasons in support of said motion:

9. That there is no allegation in the indictment that defendant was the agent or employee of the carrier, and if the averments in the indictment that the defendant did certain things "for and on behalf of the carrier" and that the carrier "required the defendant to furnish a report in writing of the amount of ice placed in the bunkers of refrigerator cars" are designed to show that the defendant was an agent or employee of the carrier, such averments are mere conclusions of the pleader, because the indictment affirmatively shows that what the defendant did was done "in accordance with the terms of a certain contract executed on, to wit, May 1, 1925," and while acting "under the terms of the aforesaid contract," and said contract is not set out, nor is its substance stated, and the conclusions of the pleader on the meaning of its terms and on the relationship between defendant and the Pennsylvania Railroad created by it are insufficient in law as allegations of facts essential to support an allegation of agency or employment, and defendant specially objects thereto.

186 10. That counts 51-65, inclusive each charge the willful making by the defendant of a "false entry" in a freight bill issued by the common carrier to its customers, whereas the averments of the indictment affirmatively show that said freight bills were made up wholly by the carrier and that the defendant did not and could not have prepared them or made any entries therein, false or otherwise. The attempt is here made, contrary to law, to join the act of the carrier with the intention of the defendant in the statment of an offense without any allegation of conspiracy or community of purpose between the carrier and the defendant.

11. That counts 66-75, inclusive, each charge the defendant with willfully causing, procuring, aiding, and abetting the common carrier to make a false entry in a freight bill, but do not allege that the common carrier "willfully" made any "false entry" in said freight bill, and therefore do not allege the commission of any crime of which the defendant could be guilty of causing, procuring, aiding, or abetting its commission.

DALZELL, FISHER & DALZELL,
Attorneys for Defendant.

187 Order of court

And now, April 23, 1928, the foregoing motion having been presented in open court, upon consideration thereof the United States attorney having agreed thereto, leave is granted to the defendant to supplement its motion to quash the indictment in this case by adding thereto the foregoing additional reasons which are hereby ordered to be filed and made a part of the original motion to quash.

Per curiam.

S.

Service of copy of within accepted and consent given to filing hereof this 23rd day of April, 1928.

JOHN D. MEYER, *U. S. Attorney.*

[File indorsement omitted.]

188 IN UNITED STATES SUPREME COURT

[Title omitted.]

Opinion and order sustaining motion to quash

Filed May 5, 1928

THOMPSON, J.: This is a motion on the part of defendant to quash the indictment, consisting of seventy-five counts, drawn under section 20, paragraph 7, and section 10, paragraph 1, of the interstate commerce act, and section 332 of the Penal Code.

In order to determine whether the defendant is liable to the penal provision of the statutes referred to, a general statement of the situation, as disclosed by the indictment, is necessary. The facts are these:

The Pennsylvania Railroad Company is a common carrier engaged in interstate transportation, and subject to the provisions of the interstate commerce act. The railroad company has published and filed with the Interstate Commerce Commission schedules of tariffs for refrigeration charges upon goods transported by it. The defendant is a corporation under the laws of the State of Delaware, having an office in Pittsburgh, and is engaged, inter alia, in icing and reicing for the Pennsylvania Railroad Company the bunkers of refrigeration cars. The said icing and reicing service "was performed by said defendant for and on behalf of said railroad company under, and in accordance with, the terms of a certain contract by and between said defendant and said railroad company, executed on, to wit, May 1st, 1925."

At all times mentioned in the indictment the railroad company required the defendant to furnish a report in writing of the amount of ice placed in the bunkers of the refrigeration cars for the railroad, and the defendant did furnish and deliver to the rail-

road company reports in writing purporting to show the
189 amount of ice which it has furnished and placed in the bunkers of the said railroad cars. These reports were received and kept and accepted by the railroad company as correct reports of the amount of ice so placed in said cars; and these were the only reports and records from which the railroad company could prepare and render to the consignees of said shipments, and bills for ice placed in the bunkers of the cars and of the icing charges due the railroad from said consignees.

In counts from 1 to 50, inclusive, it is charged that the defendant "unlawfully or wilfully made and caused to be made a false entry in a record kept by a common carrier subject to said act to regulate commerce, as amended," each count specifying an offense. Counts 51 to 65 charge the defendant, "while acting as aforesaid under the terms of the aforesaid contract, unlawfully or wilfully made, and caused to be made, a false entry in a record kept by a common carrier, subject to said act to regulate commerce; that is to say, the defendant in a certain written freight bill, kept by the railroad company, designated and styled 'Freight Bill No ——,' did cause untrue charges for ice to be made by rendering to the railroad company false reports as to the quantities of ice placed in the bunkers of the cars, well knowing that the railroad company would have to use the data contained in said reports in making up its accounts, as required by the act for the regulation of commerce."

The substance of counts 66 to 75 charge that the railroad company, relying upon the truth of such statements and representations in the report furnished to the company, did make, and cause to be made, a false entry in a record kept by the railroad company in a certain written freight bill inaccurate or untrue charges for ice.

The defendant, in the indictment, is described as a contractor performing its duties under contract. It is not averred that it is a common carrier, nor that it acted as an officer, agent, or employe of a common carrier. The Pennsylvania Railroad Company has not been joined in the indictment, nor is there any allegation of collusion between said company and the defendant. Nor does
190 the indictment charge that any false entry was wilfully or knowingly made by the common carrier, its officers, directors, agents, or employes in any record required by the law to be kept.

From this state of facts, the following legal conclusions may be drawn:

First. The statutes under which the indictment is drawn, are highly penal. They must, therefore, be construed strictly. No strained or unusual meaning should be applied to words and phrases, whose meaning is well known and easily understood.

Second. There is no allegation that defendant is a common carrier, and the interstate commerce act, on which the indictment is based, applies only to common carriers. (Berwind-White Coal Co. vs. U. S., 9 Fed. 2nd 429; Ellis vs. Interstate Commerce Commission,

237 U. S. 437; Chicago Refrigerator Company vs. Interstate Commerce Commission, 265 U. S. 292.)

Third. A noncarrier corporation acting as an individual contractor is not chargeable with a criminal offense under the interstate commerce act, as amended, for furnishing to a common carrier false data from which the carrier's accounts are made, without averment and proof of collusion between the common carrier and the noncarrier corporation with respect thereto. Under the requirements of the law and the conceded relationship between the carrier and the defendant, the data furnished to the railroad company, from which it was to perform its legal obligation, can not be legally construed as a common-carrier record. The Interstate Commerce Commission had no power over such records, the methods under which they were kept, or over the defendant itself. While counts 1 to 50 charge the defendant with making false entries in records kept by a common carrier, the averments of fact affirmatively show that the false entries were made in the records kept—that is, made up by the defendant.

Fourth. While counts 51 to 65 charge the defendant with making false entries in freight bills issued by the common carrier to its customers, the averments of fact affirmatively show that said bills were made up by a common carrier from records kept by it as required by law.

191 Fifth. While counts 66 to 75 charge the defendant with having procured the making of false entries in freight bills, the averments of fact show that said bills were made up in good faith by the railroad company from its own records, kept by it as required by law, and the regulations of the Interstate Commerce Commission.

Sixth. As the indictment nowhere charges that any false entry was wilfully or knowingly made by the common carrier, its officers, directors, agents, or employes, in any record required to be kept by law, there is thus disclosed no principle amenable under the provisions of the interstate commerce act, and therefore no offense which the defendant could aid or abet under section 332 of the Penal Code.

Seventh. In the indictment the word "agent" as applied to the defendant nowhere appears, it being referred to throughout as acting under contract, and therefore a contractor. The defendant was a common carrier corporation performing under contract certain functions for which it was incorporated and which were recognized by law; the data furnished by it could not be, therefore, construed as accounts kept by the carrier in accordance with the interstate commerce act. The defendant was not subject to the supervision nor under the jurisdiction of the Interstate Commerce Commission, and the reports or accounts furnished by it to the carrier were not subject to the provisions of that act.

The indictment can not be sustained and the motion to quash is granted.

Order

And now, to wit, May 5th, 1928, after argument by counsel and full consideration, the defendant's motion to quash the indictment is sustained, and the indictment is quashed. I am authorized to state that Judge Schoonmaker, who sat during the argument, concurs in this conclusion.

W. H. S. THOMSON.

To which action of the court counsel for the Government except and on their motion exception allowed and bill sealed.

W. H. S. THOMSON.

[File indorsement omitted.]

192 In United States District Court

[Title omitted.]

Assignments of error

Filed May 26, 1928

United States of America, plaintiff, by its counsel, now comes and, in connection with its petition for an appeal, files the following assignments of error on which it will rely on its appeal to the Supreme Court of the United States from the final judgment of the District Court entered May 5, 1928:

The District Court erred—

1. In sustaining the motion to quash the indictment.
2. In not overruling the motion to quash the indictment.
3. In quashing the indictment.
4. In not sustaining the indictment.
5. In holding and adjudging that the facts alleged in counts 1 to 50, inclusive, of the indictment, do not constitute an offense by the defendant.
6. In holding and adjudging that the facts alleged in counts 51 to 65, inclusive, of the indictment, do not constitute an offense by the defendant.
7. In holding and adjudging that the facts alleged in counts 66 to 75, inclusive, of the indictment, do not constitute an offense by the defendant.
8. In holding and adjudging that the statutes under which the indictment is drawn must be construed strictly.
9. In holding and adjudging that "the interstate commerce act, on which the indictment is based, applies only to common carriers."
10. In not holding and adjudging that the defendant is amenable to the provisions of section 20 (7) of the interstate commerce act, invoked in counts 1 to 50, inclusive, of the indictment, under the circumstances and upon the facts set forth and alleged in said counts.

193 11. In deciding and holding that "a noncarrier corporation acting as an individual contractor is not chargeable with a criminal offense under the interstate commerce act, as amended, for furnishing to a common carrier false data from which the carrier's accounts are made, without averment and proof of collusion between the common carrier and the noncarrier corporation with respect thereto."

12. In deciding and holding that "under the requirements of the law and the conceded relationship between the carrier and the defendant, the data furnished to the railroad company, from which it was to perform its legal obligation, can not be legally construed as a common-carrier record. * * * While counts 1 to 50 charge the defendant with making false entries in records kept by a common carrier, the averments of fact affirmatively show that the false entries were made in the records kept; that is, made up by the defendant."

13. In deciding and holding that the Interstate Commerce Commission had no power over the records described in counts 1 to 50, inclusive, of the indictment and alleged to have been falsified by defendant.

14. In not deciding and holding that the records described in counts 1 to 50, inclusive, of the indictment, and alleged to have been falsified by defendant, were records "kept" by a common carrier.

15. In deciding and holding that the term "records kept by a common carrier" means records "made up" by the carrier.

16. In deciding and holding with respect to counts 51 to 65, inclusive, of the indictment that the defendant did not make false entries in the freight bills therein described, because said freight bills were "made up by a common carrier."

17. In deciding and holding that because the freight bills described in counts 66 to 75, inclusive, of the indictment were "made up in good faith by the railroad company from its own records, kept by it as required by law," defendant did not procure the making of false entries in said freight bills.

194 18. In deciding and holding as follows: "As the indictment nowhere charges that any false entry was wilfully or knowingly made by the common carrier, its officers, directors, agents, or employes, in any record required to be kept by law, there is thus disclosed no principal amenable under the provisions of the interstate commerce act, and, therefore, no offense which the defendant could aid or abet under section 332 of the Penal Code."

19. In deciding and holding that the records made out and furnished by defendant to the common carrier could not be construed as records "kept by the carrier in accordance with the interstate commerce act."

20. In deciding and holding that the reports and accounts furnished by defendant to the carrier were not subject to the provisions of the interstate commerce act.

21. In not deciding and holding that the defendant, under the facts alleged in counts 1 to 65, inclusive, of the indictment, was an agent or person acting for or employed by a common carrier subject to the interstate commerce act, and amenable to the provisions of section 10 (1) of said act.

22. In entering the order sustaining the motion to quash the indictment.

Wherefore United States of America prays that the final judgment in the District Court entered May 5, 1928, sustaining the motion to quash the indictment be reversed, annulled, and set aside, and for such other and further order as may be appropriate.

JOHN D. MEYER,
United States Attorney.

Dated this 26th day of May, 1928.
[File indorsement omitted.]

195-196 [Citation in usual form showing service on Dalzell, Fisher & Dalzell, filed May 26, 1928, omitted in printing.]

197 In United States District Court

[Title omitted.]

Petition for appeal

Filed May 26, 1928

United States of America, plaintiff, by its counsel, now comes and says that on or about May 5, 1928, this court filed its opinion and entered its judgment in favor of the defendant against the plaintiff, in which judgment and proceedings had prior thereto in said cause certain errors were committed to the prejudice of the plaintiff, all of which will more fully appear from the assignment of errors herewith filed.

Wherefore United States of America prays that an appeal may issue in its behalf to the Supreme Court of the United States for the correction of the errors so complained of, and that a transcript of the record, proceedings, and papers in said cause, duly authenticated, may be transmitted forthwith to the Supreme Court of the United States, in accordance with the provisions of the act of Congress approved March 2, 1907 (34 Stat. 1246).

JOHN D. MEYER,
United States Attorney.

Dated this 26th day of May, 1928.
[File indorsement omitted.]

198 In United States District Court

[Title omitted.]

Order allowing appeal

Filed May 26, 1928

United States of America, plaintiff, having by its counsel made and filed its petition praying an appeal to the Supreme Court of the United States from the final judgment of the District Court entered May 5, 1928, and having also made and filed an assignment of errors, and having in all respects conformed to the statutes and rules of court in such case made and provided;

It is ordered and adjudged that the appeal be and the same is hereby allowed as prayed and made returnable within thirty (30) days from the date hereof, and the clerk is directed to transmit forthwith a properly authenticated transcript of the record, proceedings, and papers on which said final judgment was made and entered to the Supreme Court of the United States.

F. P. SCHOONMAKER,
United States District Judge.

Dated May 26, 1928.
[File indorsement omitted.]

199 In United States District Court

[Title omitted.]

Stipulation re transcript of record

Filed May 29, 1928

It is hereby stipulated and agreed by and between John D. Meyer, United States Attorney for the Western District of Pennsylvania, attorney for plaintiff, and Dalzell, Fisher & Dalzell, attorneys for the Fruit Growers Express Company, defendant, that the following be printed as and constitute the record on appeal in the above case before the Supreme Court of the United States:

1. Indictment.
2. Motion to quash the indictment.
3. Supplemental motion to quash the indictment.
4. Opinion of the court quashing the indictment.
5. Order on opinion quashing the indictment.
6. Assignments of error.
7. Petition for appeal.
8. Order allowing appeal.

9. This stipulation.
10. Clerk's certificate.

JOHN D. MEYER,
United States Attorney.
DALZELL, FISHER & DALZELL,
Attorneys for Defendant.

Dated May 28th, 1928.
[File indorsement omitted.]

199 In United States District Court

[Title omitted.]

Order extending return day upon appeal

June 25, 1928

Now, to wit, this 25th day of June, A. D. 1928, it appearing to the court that on May 28, 1928, an order was made allowing an appeal to the Supreme Court of the United States in the above-entitled case returnable thirty days from the date thereof, and it further appearing that the plaintiff can not prepare and bring up the record to the Supreme Court within that time, on a motion of John D. Meyer, United States attorney, it is ordered that the return day be and the same is hereby extended, from June 25, 1928, to July 25, 1928.

Per curiam.

S.

201 [Clerk's certificate to foregoing transcript omitted in printing.]

202 In Supreme Court of the United States

Statement of points upon which the appellant intends to rely and designation to print entire record

Filed Aug. 8, 1928

The appellant contends that in sustaining the motion to quash the indictment the District Court erred in the particulars pointed out in the assignments of error, and, in support of that contention, appellant intends to rely upon the following points:

1. Refrigeration or icing of interstate shipments is a transportation service, and by performing that service appellee, though not a carrier, subjected itself to the statutes regulating the transportation of property in interstate commerce.

2. Section 20 (7) of the interstate commerce act is not limited to carriers and their employees, but includes all persons and corporations who do the forbidden thing, for that section declares that any

person who shall willfully make any false entry in any record or memoranda kept by a carrier shall be deemed guilty of a misdemeanor.

203 3. The misdemeanor consists of making a false entry by any person in any record kept by a carrier, and it is immaterial who writes, compiles, or makes up the record.

4. The words "any record or memoranda kept by a carrier" includes all records retained or preserved by a carrier, and particularly those required by the Interstate Commerce Commission to be kept; those words can not be so narrowly construed as including only records and memoranda written or "made up" by a carrier or its employees.

5. By making false entries in the icing reports, which were copied in good faith by the carrier in writing its freight bills (also required to be kept), appellee, by that means and device, falsified the carrier's freight bills described in counts 51 to 65, inclusive, of the indictment.

6. Counts 51 to 65, inclusive, which charge appellee, as a principal, with offenses of making, and causing to be made, false entries in the freight bills described in those counts are not invalid for failure to charge that the carrier itself committed the offense of making false entries, because section 332 of the Criminal Code (R. S. sec. 5323, 5427) provides that whoever commits an act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal and may be dealt with as such.

7. By virtue of the provisions of section 332, Criminal Code, counts 66 to 75, which charge appellee, as a principal, with offenses of causing, procuring, aiding, and abetting a carrier to make false entries in the freight bills described in those counts, are not invalid for failure to charge that the carrier itself committed the offense of making false entries.

204 8. In performing the icing service appellee was acting for and employed by the carrier within the meaning of section 10 (1) of the interstate commerce act; therefore, counts 66 to 75, which charge appellee with aiding and abetting the making of false entries, are valid counts under that section.

9. The indictment is not invalid for failure to allege collusion between appellee and the carrier, for collusion or conspiracy between the person or corporation making a false entry in a record and the carrier who is required to keep such record is not an element of the misdemeanor defined by section 20 (7).

10. Under section 332 of the Criminal Code it is not necessary, in the indictment of one who aids, abets, or procures the commission of a crime, to charge that the person or corporation so aided or abetted, also committed the crime.

11. The interstate commerce act is remedial and must be so construed as to accomplish the purposes for which it was enacted.

The appellant thinks that the entire record as filed will be necessary for the consideration of the points enumerated above.

WILLIAM D. MITCHELL,
Solicitor General.

AUGUST 6, 1928.

Service of a copy of the foregoing statement of points is hereby acknowledged this 7th day of August, 1928.

DALZELL, FISHER & DALZELL,
Attorneys for Appellee.

305 [File indorsement omitted.]

[Indorsement on cover:] File No. 33,614. W. Penna. D. C. U. S. Term No. 305. The United States of America, appellant, vs. Fruit Growers Express Company. Filed July 24th, 1928. File No. 33,614.

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